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ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**GEORGE KORNEC, PHILIP
NAPPO, INTERMOUNTAIN
MINING AND REFINING, LLC,**

Defendants.

CV 15-78-H-CCL

**UNITED STATES' PROPOSED
CASE MANAGEMENT PLAN**

The United States, on behalf of its agency the United States Department of Agriculture, Forest Service, sets forth its proposed case management plan. The

United States recognizes that the Court will set the schedule it deems appropriate, but respectfully submits the following proposal to allow opposing counsel to review in advance of the Preliminary Pretrial Conference set before the Court on September 4, 2015, at 10:00 a.m. Counsel for the United States has contacted counsel for Defendants who would like to visit with his clients regarding the proposed case management plan prior to the Preliminary Pretrial Conference. Therefore, it is not known whether Defendants agree to the proposed schedule below. The United States further asserts that the issues raised in this case are not triable by a jury, and proposes the following case management schedule to include briefing on whether a jury trial is appropriate in this case:

- The United States will file with the Court and produce to opposing counsel the administrative record on or before October 5, 2015;
- Defendants will have 30 days to review the administrative record, and provide to the United States any additional information Defendants assert should be part of the administrative record on or before November 6, 2015;
- The United States shall file a motion for summary judgment on or before December 7, 2015, issues to include, but not be limited to, any issues regarding the administrative record, whether this action or defenses entitle Defendants to a jury

trial, and whether agency actions are arbitrary, capricious or otherwise in violation of law;

-Defendants shall file a combined response brief, and a brief in support of its own cross motion for summary judgment, on or before January 8, 2016;

-The United States will file a combined response brief to Defendant's cross motion for summary judgment and reply brief on or before January 29, 2016;

-Defendants will file a reply brief on or before February 12, 2015.

Upon completion of briefing the parties hereto shall await a decision by the Court, and if the matter is not fully resolved, a scheduling conference to be set to schedule additional matters depending on the Court's ruling.

DATED this 2nd day of September, 2015.

MICHAEL W. COTTER
United States Attorney

/s/ VICTORIA L. FRANCIS

Assistant U.S. Attorney
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of September, 2015, a copy of the foregoing document was served on the following persons by the following means:

1-2 CM/ECF
 Hand Delivery
 U.S. Mail
 Overnight Delivery Service
 Fax
 E-Mail

1. Clerk of Court
2. Joshua Campbell
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